

Application No. 10/789,951
Paper Dated June 29, 2006
Response to Office Communication Dated December 30, 2005
Attorney Docket No. 4015-040425

REMARKS

The Office Action of December 30, 2005 has been received and the Examiner's comments carefully considered. The present Amendment amends claims 1, 2, 8, 9, 14, 16, 18-20, 23, 24, 28 and 29 in accordance with the originally-filed specification. No new matter has been added. Further, the present Amendment cancels claim 22. Accordingly, claims 1-21 and 23-29 are pending in this application, and claims 1, 28 and 29 are in independent form.

Initially, the Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Examiner indicates that "a front surface", as recited in claims 1, 14, 16, 28 and 29, must be shown or the feature cancelled from the claims. In addition, the Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter. As with the drawing objection, the Examiner objects to the specification as not discussing "a front surface", as recited in claims 1, 14, 16, 28 and 29.

Applicants respectfully traverse the Examiner's objections to the drawings and specification for the following reasons. The "front surface" mentioned in claims 1, 14, 16, 28 and 29 is actually referring to the "top surface", as discussed in detail throughout the specification. Accordingly, all of claims 1, 14, 16, 28 and 29 have been modified to specifically refer to the "top surface", as opposed to the "front surface". For the Examiner's reference, element 14 refers to the "top surface" in the drawings, and this term is now used consistently in the claims, drawings and detailed description. Accordingly, withdrawal of the Examiner's objection to the drawings and specification is respectfully requested.

Next, the Examiner objects to claims 2, 8, 9, 20, 23 and 24 as having improper antecedent basis for various elements therein. With respect to the Examiner's objection to claim 2 ("the side surface") and claims 18-20 ("the label"), Applicants submit that these claims have been modified to overcome the Examiner's objections. However, with respect to the use of the term "the plunger" in claim 23 (as indicated by the Examiner), Applicants cannot locate this

phrase in this claim. However, the dependency of claim 23 has been modified to depend from claim 1 (as opposed to claim 21), which will ensure proper antecedent basis for all the terms therein. Similarly, the dependency of claim 24 was modified from claim 22 to claim 23, which also provides appropriate antecedent basis for “the rim portion” in this claim. Finally, both claims 8 and 9 have been amended to include appropriate antecedent basis for the “side surface” and the “rear surface” in each instance in each claim.

With respect to the Examiner’s substantive rejections of the claims in view of the prior art, claims 1-3, 5-12, 15, 21 and 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,075,694 to Mills et al. Claims 1, 9, 12-14 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,808,871 to Rosecan et al. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Mills patent. Further, claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Mills patent in view of U.S. Patent No. 5,971,506 to Dubin. Finally, claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Rosecan patent in view of U.S. Patent No. 4,722,022 to Myers et al. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of these rejections.

The Examiner is thanked for indicating that claims 22-24 include allowable subject matter. In particular, the Examiner objects to these claims as being dependent upon a rejected base claim. The Examiner would allow these claims if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Dependent claim 22 (now cancelled) includes the limitation: “the attachment mechanism further comprises a plunger element and a grommet element, the plunger element configured to engage with the grommet element.” The Examiner indicates that this limitation imparts novelty and non-obviousness to the present invention and these claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Dependent claim 22 depended from independent claim 1.

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Through the foregoing amendment, the limitations of dependent claim 22 were added to independent claims 1, 28 and 29. Therefore, all of claims 1, 28 and 29 are in allowable form and define over the prior art of record, for the reasons indicated by the Examiner in Paragraph 12 of the Office Action.

For the foregoing reasons, independent claims 1, 28 and 29 are not anticipated by or rendered obvious over the prior art of record, whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claims 1, 28 and 29 is respectfully requested. Claims 2-21 and 23-27 depend either directly or indirectly from and add further limitations to independent claim 1 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 1. Therefore, for all the above reasons, reconsideration of the rejections of claims 2-21 and 23-27 is respectfully requested.

For all the foregoing reasons, Applicants believe that claims 1-21 and 23-29, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1-21 and 23-29 are respectfully requested.

Respectfully submitted,

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